

Mail Stop Interference
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UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Human Genome Sciences, Inc.,
Junior Party
(Patent 6,518,046,
Inventors: Haodong Li and Mark D. Adams),

v.

Incyte Corporation,
Senior Party
(Application 10/057,275,
Inventors: Roger Coleman, Olga Bandman and Craig G. Wilde).

Patent Interference 105,499 (RES)
(Technology Center 1600)

Before: SCHAFER, TORCZON and MOORE, Administrative Patent Judges.

PER CURIUM

Judgment - Request for Adverse - Bd.R. 127(b)

Incyte has filed a notice of abandonment of the contest (Paper 17). An abandonment of the contest is construed as a request for adverse judgment. 37 CFR § 41.127(b)(4). Accordingly, it is

ORDERED that judgment on priority as to the subject matter of Count 1 (Paper 1, p. 3) is awarded against Incyte;

FURTHER ORDERED that Incyte is not entitled to a patent containing claims 3-7, 9-10, 12-13, 62 (corresponding to Count 1) of Application 10/057,275;

FURTHER ORDERED that a copy of this judgment be made of record in the file of Patent 6,518,046, and Application 10/057,275; and

1 **FURTHER ORDERED** that if there is any settlement agreement which has not
2 been filed, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 41.205.
3

<u>/Richard E. Schafer/</u>)	
RICHARD E. SCHAFER)	
Administrative Patent Judge)	
)	
)	
<u>/Richard Torczon/</u>)	BOARD OF PATENT
RICHARD TORCZON)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
)	
)	
<u>/James T. Moore/</u>)	
JAMES T. MOORE)	
Administrative Patent Judge)	

cc (electronic filing):

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Subject: Interference 105499 (RES) Paper No. 18 - Judgment -Bd.R. 127(b)
Attachments: 105499.018.pdf

12/20/06